

JUL. 11. 2007 1:47PM 407-736-6440
Serial No. 10/510,312
Atty. Doc. No. 2002P03970WOUS

REMARKS

Claims 10-29 are in the application. In the most recent office action the Examiner suggested a change to the language of the abstract and corrections to the Specification, all of which are now provided. In addition, all of the claims were rejected under Section 102 based on Modeste et al. (US 2003/0056012). Applicants respectfully submit that the Examiner has misinterpreted the claimed subject matter and that this resulted in an improper rejection of the claims. Accordingly, the Examiner is requested to consider the following points and remove the rejections in view thereof.

The invention is set forth in three independent claims, 10, 28 and 29, all of which require a web server comprising one or more software modules having "a first mechanism for implementing an automation functionality. It is respectfully submitted that at least this recited feature fully distinguishes over the prior art.

The Modeste reference was cited for disclosing a software platform including element 30 of Figure 2A. The rejection also references Fig 2B and Par. [0084]. Figure 2A is described as showing the system of Figure 1 (Modeste) in more detail. See par. [0038]. Figure 2B more precisely depicts the gateway 30 functionality in regard to the web communicator 34. See par. [0039].

The foregoing citations were used to identify prior art showing applicants' "first mechanism for implementing an automation functionality" because the Modeste reference concerns "home automation functionalities that obtain with respect to the home and its install devices ... [see page 3 of the Office Action]. However, none of this is the same as what applicants claim. In fact, the referenced arrangement of Modeste is no more relevant to the patentability of applicants' claims than is the very art already cited by the applicant. To illustrate this deficiency, the Examiner is requested to compare an embodiment of applicants' claimed invention illustrated in Figure 1 of the application with Figure 1 of the Modeste reference.

Note, for example, in applicants' Figure 1 the extension module 4 of the web server 3 is connected to an input/output module 6 of an automation system (as described at par. [0020]). Figure 1 of the Modeste reference is inconsistent with the claimed invention because it expressly shows an automation controller 60 separate and distinct from the gateway 30. As

RECEIVED
CENTRAL FAX CENTER

JUL 11 2007

NO. 7310 P. 7

stated at par. [0036] of the Modeste reference the "gateway 30 is coupled over an RS232 data link to a home automation controller 60 ... [and] devices 70, 80 and 90 are coupled to the controller ..." This is clearly different from applicants' arrangement wherein the claimed "automation functionality" is within a software module of the web server instead of being, for example, in a separate controller. Applicants' claimed software module having "automation functionality" is clearly within the server 3.

In comparison to the claimed invention, the element 30 of Figures 1 and 2A appears to be no more than a "gateway" between a website server 20 and a controller which may contain the automation functionality needed to operate the devices 70, 80 and 90 in a user's home. See pars [0034] and [0036].

Conclusion

Based on the foregoing distinctions it is submitted that the rejection is in error and the claims are neither anticipated by nor obvious in view of such. The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: 7/11/07By: John P. Musone

John P. Musone
Registration No. 44,961
(407) 736-6449

Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, New Jersey 08830